

2000-265-C

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

JAN 10 2006

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In re: : Chapter 11  
: :  
BIRCH TELECOM, INC., et al. : Case No. 05-12237 (PJW)  
: Jointly Administered  
Debtors. :  
: Hearing Date: 02/14/06 @ 2:00 p.m. (Eastern)  
-----X : Objections Due: 02/07/06 @ 4:00 p.m. (Eastern)

**NOTICE OF HEARING AND OBJECTION DATE REGARDING  
DISCLOSURE STATEMENT WITH RESPECT TO JOINT REORGANIZATION  
PLAN OF BIRCH TELECOM, INC. AND ITS SUBSIDIARIES**

PLEASE TAKE NOTICE that on December 9, 2005, Birch Telecom, Inc. ("Birch") and its subsidiaries (the "Subsidiaries"), debtors and debtors-in-possession in the above-captioned cases (collectively, the "Debtors"),<sup>1</sup> filed the Joint Reorganization Plan of Birch Telecom, Inc. and Its Subsidiaries (as it may be amended, the "Plan"), and the Disclosure Statement with Respect to Joint Reorganization Plan of Birch Telecom, Inc. and Its Subsidiaries (as it may be amended, the "Disclosure Statement"), with the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court").

PLEASE TAKE FURTHER NOTICE that a hearing (the "Disclosure Statement Hearing") will be held before the Honorable Peter J. Walsh, United States Bankruptcy Judge for the District of Delaware, in the United States Bankruptcy Court for the District of Delaware, 824 Market Street, Wilmington, Delaware 19801, on **February 14, 2006 at 2:00 p.m. (Eastern)**, or as soon thereafter as counsel can be heard, to consider the entry of an order, among other things, finding that the Disclosure Statement contains "adequate information" within the meaning of section 1125 of 11 U.S.C. §§ 101-1330 (as amended, the "Bankruptcy Code") and approving the Disclosure Statement for solicitation purposes. The Disclosure Statement Hearing may be adjourned from time to time, without further notice to creditors or parties in interest, by an announcement in the Bankruptcy Court of such adjournment on the date scheduled for the Disclosure Statement Hearing or in the agenda filed with respect to the scheduled Disclosure Statement Hearing. **THIS NOTICE IS NOT A SOLICITATION OF VOTES TO ACCEPT OR REJECT THE PLAN. VOTES ON THE PLAN MAY NOT BE SOLICITED UNLESS AND UNTIL THE DISCLOSURE STATEMENT IS APPROVED BY ORDER OF THE BANKRUPTCY COURT.**

<sup>1</sup> The Debtors are the following entities: Birch Telecom, Inc.; Birch Telecom 1996, Inc.; Ionex Communications, Inc.; Ionex Communications North, Inc.; Ionex Communications South, Inc.; Ionex Telecommunications Leasing Inc.; Telecom Resources, Inc.; Birch Equipment, Inc.; Birch Internet Services, Inc.; Birch Kansas Holdings, Inc.; Birch Management Corporation; Birch Telecom Finance, Inc.; Birch Telecom of Arkansas, Inc.; Birch Telecom of Kansas, Inc.; Birch Telecom of Missouri, Inc.; Birch Telecom of Nebraska, Inc.; Birch Telecom of Oklahoma, Inc.; Birch Texas Holdings, Inc.; Birch Telecom of the Great Lakes, Inc.; Birch Telecom of the South, Inc.; Birch Telecom of the West, Inc.; Capital Communications Corporation; Dunn & Associates, Inc.; I.S. Advertising, Inc.; Telesource Communications, Inc.; American Local Telecommunications L.L.C.; Birch Telecom of Texas Ltd., L.L.P.; G.B.S. Communications, Inc.; and M.B.S. Leasing, Inc.

PLEASE TAKE FURTHER NOTICE THAT the Disclosure Statement and Plan are on file with and may be examined by interested parties at the Office of the Clerk of the Bankruptcy Court, 824 Market Street, Wilmington, Delaware 19801, during regular business hours. In addition, a copy of the Disclosure Statement and Plan may be obtained upon written request to Bankruptcy Services, LLC, 757 Third Avenue, 3<sup>rd</sup> Floor, New York, New York 10017 (Attn: Tirzah Gordon) or by visiting <http://schedule.bsillc.com/birch>. Parties also may obtain a copy of the Disclosure Statement and Plan online through the Bankruptcy Court website at [www.deb.uscourts.gov](http://www.deb.uscourts.gov) (a PACER account is required).

PLEASE TAKE FURTHER NOTICE THAT responses and objections, if any, to the approval of the Disclosure Statement must (a) be in writing, (b) state the name and address of the objecting or responding party and the nature of the claim or interest of such party, (c) state with particularity the basis and nature of any objection or response and include, where appropriate, proposed language to be inserted in the Disclosure Statement to resolve any such objection or response, (d) otherwise comply with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the local rules of the Bankruptcy Court, and (e) be filed, together with proof of service, with the Bankruptcy Court, and served so as to be actually received, on or before **4:00 p.m. (Eastern) on February 7, 2006** by each of the following: (1) Counsel for the Debtors, Skadden, Arps, Slate, Meagher & Flom LLP, One Rodney Square, P.O. Box 636, Wilmington, Delaware 19899-0636 (Attn.: Mark S. Chehi, Esq. and Marion M. Quirk, Esq.); (2) Office of the U.S. Trustee, 844 King Street, Suite 2313, Lockbox 35, Wilmington, Delaware 19801 (Attn.: Mark S. Kenney, Esq.); (3) Counsel for the Lenders, Sidley Austin Brown & Wood LLP, 787 Seventh Avenue, New York, New York 10019 (Attn.: Lee S. Attanasio, Esq.) and Richards, Layton & Finger, PA, One Rodney Square, P.O. Box 551, Wilmington, Delaware 19899 (Attn.: Mark D. Collins, Esq.); and (4) Counsel for the Official Committee of Unsecured Creditors, Reed Smith LLP, 1201 Market Street, Suite 1500, Wilmington, Delaware 19801 (Attn: Kurt F. Gwynne, Esq.) and Reed Smith LLP, 435 Sixth Avenue, Pittsburgh, Pennsylvania 15219 (Attn: Robert P. Simons, Esq.). FOR ANY OBJECTION TO THE DISCLOSURE STATEMENT NOT FILED AND SERVED AS PRESCRIBED HEREIN, THE OBJECTING PARTY WILL BE BARRED FROM OBJECTING TO THE ADEQUACY OF THE DISCLOSURE STATEMENT AND WILL NOT BE HEARD AT THE DISCLOSURE STATEMENT HEARING.

PLEASE TAKE FURTHER NOTICE THAT upon approval of the Disclosure Statement by the Bankruptcy Court, holders of claims against the Debtors who are entitled to vote on the Plan will receive a copy of the Disclosure Statement, the Plan, and various documents related thereto, unless otherwise ordered by the Bankruptcy Court.

Dated: Wilmington, Delaware  
January 13, 2006

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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